

UNITED STATES DISTRICT COURT FILED
IN CLERKS OFFICE

PLAINTIFF

BABCOCK BORSIG POWER GmbH

V. DEFENDANT AND THIRD PARTY PLAINTIFF
BABCOCK POWER, INC.District of
MASSACHUSETTS

2004 OCT -4 A 11:43

**THIRD PARTY SUMMONS IN A
CIVIL ACTION**

Case Number: 04-10825-RWZ

V. THIRD PARTY DEFENDANT

BABCOCK BORSIG, AG

To: Name and address of Third Party Defendant

Babcock Borsig AG
375 Duisburger Street
Oberhausen, Germany**YOU ARE HEREBY SUMMONED** and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Kenneth M. Bello
BELLO BLACK LLP
535 Boylston Street
Suite 1102
Boston, MA 02116

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY

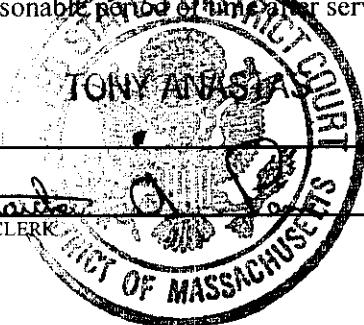
(name and address)

Steven J. Comen
GOODWIN PROCTER LLP
Exchange Place
53 State Street
Boston, MA 02109

an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. An answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

(By) DEPUTY CLERK



September 15, 2004

DATE

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER	TITLE

Check one box below to indicate appropriate method of service

Served personally upon the third-party defendant. Place where served:

Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Returned unexecuted:

Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
		\$0.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____

Date

*Signature of Server**Address of Server***ACKNOWLEDGEMENT OF SERVICE**

Received this 1st day of October, 2004.

④ JMB Black (Josiah M. Black, BBO # 632690)
Authorized Agent for Service of Process

④ without assenting to the exercise
of personal jurisdiction over
Babcock Borsig AG, per letter
agreement dated 8/31/04. JMB

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.